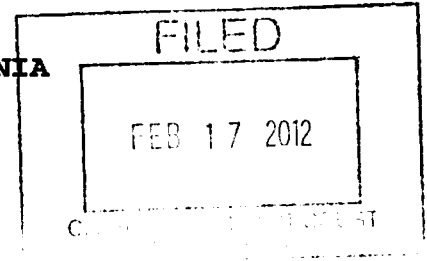


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



DAWN M. PERROTTA, on behalf of  
S.J.P., a minor,

Plaintiff,

v.

ACTION NO. 2:10cv627

MICHAEL J. ASTRUE, Commissioner  
of Social Security Administration,

Defendant.

**FINAL ORDER**

Plaintiff, Dawn M. Perrotta, on behalf of S.J.P., her minor son, brought this action under 42 U.S.C. §§ 1383(c)(3), and, as incorporated by reference, 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security denying S.J.P.'s claim for supplemental security income benefits under Title XVI of the Social Security Act.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation of the Magistrate Judge was filed on January 18, 2012, recommending that the defendant's motion for summary judgment (ECF No. 20) be DENIED, the plaintiff's motion for summary judgment (ECF No. 19) be GRANTED to the extent it seeks reversal and remand of the Commissioner's decision and DENIED to the extent that it seeks entry of an order directing the award of benefits, and the Commissioner's decision be VACATED and REMANDED for further


proceedings consistent with the Report.

By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation

Following a de novo review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the findings and recommendations set forth in the report of the United States Magistrate Judge filed on January 18, 2012. The defendant's motion for summary judgment (ECF No. 20) is DENIED, the plaintiff's motion for summary judgment (ECF No. 19) is GRANTED to the extent it seeks reversal and remand of the Commissioner's decision and DENIED to the extent that it seeks entry of an order directing the award of benefits, and the Commissioner's decision is VACATED and REMANDED for further proceedings consistent with this Report.

Plaintiff is ADVISED that she may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to plaintiff and to counsel of record for defendant.

  
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Mark S. Davis  
United States District Judge

Norfolk, Virginia

February 17, 2012